

DBE Program

The Bureau of Small Business Enterprises (SBE) administers the United States Department of Transportation (DOT) Disadvantaged Business Enterprise (DBE) program mandated by the Transportation Equity Act for the 21st Century of 1998 (TEA-21). SBE's Bureau Chief is responsible for developing and implementing all aspects of the DBE program and ensuring that the Illinois Department of Transportation (IDOT) complies with all provisions of 49 CFR part 26, in coordination with other appropriate officials. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by IDOT in its financial assistance agreements with DOT.

The statutes authorizing the DBE program provide that, except to the extent the Secretary of DOT determines otherwise, not less than ten percent of the funds authorized be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. This ten percent goal is an aspirational goal at the national level which DOT uses as a tool in evaluating and monitoring DBE opportunities to participate in DOT-assisted contracts.

The DBE program is intended to remedy past and current discrimination against disadvantaged business enterprises, ensure a "level playing field" and foster equal opportunity in DOT-assisted contracts, improve the flexibility and efficiency of the DBE program, and reduce burdens on small businesses. IDOT supports the program as an avenue to provide opportunities for DBEs to compete for and participate in federal, state and local transportation-related contracts.

It is the policy of IDOT to ensure that DBEs, as defined in 49 CFR part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also IDOT's policy:

- 1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
- 2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- 3. To ensure that the DBE program is narrowly tailored in accordance with applicable law;
- 4. To ensure that only firms that fully meet 49 CFR part 26 eligibility standards are permitted to participate as DBEs;
- 5. To help remove barriers to the participation of DBEs in DOT-assisted contracts; and
- 6. To assist the development of firms that can compete successfully in the market place outside the DBE program.

EEO Program

It is the policy of the U.S. Government to provide equal opportunity in federal employment and in employment by federal contractors on the basis of merit and without discrimination because of race, color, religion, age, disability, sex or national origin. The Congress, by enacting Title VII of the Civil Rights Act of 1964, enunciated a national policy of equal employment opportunity in private employment, without discrimination because of race, color, religion, sex or national origin.

Executive Order No. 11246 of September 24, 1965, carried forward a program of equal employment opportunity (EEO) in government employment, employment by federal contractors

and subcontractors and employment under federally-assisted construction contracts regardless of race, creed, color or national origin. Executive Order No. 11246 was amended on October 17, 1967 by Executive Order No. 11375.

SBE is responsible for ensuring that contractors are in compliance with contract provisions relative to the DBE program, EEO, training and labor. To accomplish this goal, reviews are conducted by IDOT's District EEO Officers, resident engineers and SBE's DBE/EEO/Labor Contract Compliance Section's field compliance analysts to ensure that contractors are making required affirmative action and good faith efforts to employ minorities and females, meeting contract training requirements and meeting contract DBE utilization and labor requirements. IDOT has the responsibility to ensure that Federal-aid contracts contain the required language relating to equal employment opportunity as set forth in 41 CFR Parts 60-1 and 60-4, either explicitly or by reference. (See Check Sheet #3, 4 & 5, Special Provision for EEO, Supplemental Specifications and Recurring Special Provisions).

Current requirements for EEO and labor compliance are provided in more detail in Construction Memorandum Nos. 14 (Labor Compliance Federal-aid Highway Projects) and 24 (Equal Employment Opportunity Contract Provisions and District Responsibilities). The attached pages, "Contractor's EEO, Labor and Training Compliance Reporting & Posting Requirements," summarize the several reports and forms that are required to be prepared or posted by the Contractor and his/her subcontractors.

CONTRACTOR'S E.E.O. & LABOR COMPLIANCE REPORTING & POSTING REQUIREMENTS

	E.E.O. REQUIREMENTS (General)	Type of Project Required On:	Required Number of Copies for State Personnel	Send Information or Reports to:	Due Date and Time Limit	Is the Information Required for Posting on Bulletin Board?	Is the Requirement Applicable to Subcontractor	Remarks
1	A copy of Contractor's letter to encourage present employees to refer minority and female applicants.	All Projects	None	N/A	At the start of Construction	Yes	Yes	*Posted by the Contractor
2	BC 777 (Notice of Nondiscrimination Clause)	Non- Federal- aid Projects (only)	None	N/A	At the start of Construction	Yes	Yes	*Posted by the Contractor
3	BC 955 (Notice of E.E.O. Policy and E.E.O. Officer)	All Projects	None	N/A	At the start of Construction	Yes	Yes	*Posted by the Contractor
4	SBE 956 (E.E.O. Workforce Analysis Form)	All Projects	Two	Resident	Monthly by the 5 th day of the following month reported	N/A	Yes	See form for special instructions. A (no work) report will be submitted for months when no work is being performed.
5	BC 1012 (Certification of Nonsegregated Facilities)	All Projects	None	N/A	N/A	N/A	Yes* (For Sub- contracts over \$10,000)	*To be properly executed and sent to Contractor for filing.
6	Multicolored Poster (Red, White & Blue) Equal Employment Opportunity is the Law	Federal- aid Projects (only)	None	N/A	At the start of Construction	Yes	Yes	*Posted by the Contractor
7	Federal-aid Contract Provisions Applicable to Subcontract Agreements	Federal- aid Projects	None	N/A	N/A	N/A	Yes	*E.E.O. and Labor Compliance provisions must be physically attached to subcontract agreement
8	Non-Federal-aid Contact Provisions Applicable to Subcontract Agreements	Non- Federal aid Projects	None	N/A	N/A	N/A	Yes	*E.E.O. and Labor Compliance provisions must be physically attached to subcontract agreement

CONTRACTOR'S E.E.O. & LABOR COMPLIANCE REPORTING & POSTING REQUIREMENTS

	TRAINING SPECIAL PROVISIONS	Type of Project Required On:	Required Number of Copies for State Personnel	Send Information or Reports to:	Due Date and Time Limit	Is the Information Required for Posting on Bulletin Board?	Is the Requirement Applicable to Subcontractor	Remarks
1	SBE-1014 (Weekly Trainee Report)	Contracts with Training Special Provisions	Two	Resident	Weekly within 7 Days		N/A All Sub contractors providing training	See Form for special instructions
2	SBE-1052 (Contractor's Quarterly Training Report)	Contracts with Training Special Provisions	Two	Resident	The 5th day of the mo. following the quarterly - reporting period		N/A All Sub contractors providing training	See Form for special instructions
3	SBE-1146 (Request for Approval of Contractor's Proposed Training Program)	Contracts with Training Special Provision	Three	District Office	Prior to the start of construction.	N/A	To be submitted by contractor	(Attach Training Progress Schedule) See Form for special instructions. Submit Form along with cover letter.

CONTRACTOR'S E.E.O. & LABOR COMPLIANCE REPORTING & POSTING REQUIREMENTS

	LABOR COMPLIANCE	Type of Project Required On:	Required Number of Copies for State Personnel	Send Information or Reports to:	Due Date and Time Limit	Is the Information Required for Posting on Bulletin Board?	Is the Requirement Applicable to Subcontractor	Remarks
1.	SBE 746 (Contractor's Weekly Payroll Certificate)	Selected Non- Federal aid Projects (See Contract)	One/Payroll	Resident	Weekly within 7 days attached to payroll	N/A	Yes	This form or an equal facsimile must be attached to Contractor's payroll when payrolls are required (See Contract)
2.	FHWA 1495 (Wage Rate Information)	Federal-aid Project (only)	None	N/A	At the start of Construction	Yes	Yes	*Posted by Contractor. Also, FHWA 1495A must be posted in areas with Spanish-speaking workers
3.	SBE 2263 (Notice Pertaining to False Statements)	Federal-aid Projects (only)	None	N/A	At the start of Construction	Yes	Yes	*Posted by Contractor
4.	Contractor's Payrolls	Federal-aid Projects & Selected Non- Federal	One	Resident	Weekly within 7 days	N/A	Yes	All payrolls must be certified by either a WH 348 (For Federal-aid Projects) of a SBE 746 (for Non-Federal-aid Projects)
5.	Wage Decision or Rates	All Projects	None	N/A	At the start of Construction	*Yes	Yes	*Posted by Contractor
6.	WH 348 (Statement of Compliance)	Federal-aid Projects (only)	One/Payroll	Resident.	Weekly within 7 days attached to payroll	N/A	Yes	This form or an equal facsimile must be attached to all payroll